

EXHIBIT 1
to Notice of Removal

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

TIMOTHY MEACHAM,
Plaintiff,

Case No.: 15CV01985

SUMMONS

Vs.

SPIRIT AIRLINES INC., and; KERRIE
CONRAD,
Defendants.

TO: SPIRIT AIRLINES, INC. C/O C T CORPORATION SYSTEM

The Plaintiff, Timothy Meacham, has filed a Complaint against you for negligence and battery. If you do not file the appropriate legal paper with the above court in the time required (see below), Plaintiff may ask the court for a judgment against you that orders the relief he requested in the complaint.

YOU ARE HEREBY REQUIRED to appear and defend the complaint filed against you in the above-entitled cause within 30 days from the date of service of this summons on you, and if you fail to do so, Plaintiff will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "response" or "motion." The "response" or "motion" must be given to the court clerk or administrator within 30 days

Summons

- 1

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1 along with the required filing fee. It must be in proper form and have proof of service
 2 on Plaintiff's lawyer (Attorney William Ball, LLC) or, if Plaintiff does not have a lawyer,
 3 proof of service on Plaintiff. The response or motion must be mailed or faxed to the
 4 Plaintiff's lawyer at the address listed on this document. Any subsequent papers must
 5 be mailed or faxed to the plaintiff's lawyer as well. If you have any questions, you
 6 should see a lawyer immediately. If you need help in finding a lawyer, you may call the
 7 Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at
 8 (800) 452-7636. Or, you may visit the Oregon State Bar's website at www.osbar.org.

9 I, the undersigned attorney of record for the plaintiff, certify that the foregoing is
 10 an exact and complete copy of the original summons in the above-entitled action.

11 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby
 12 directed to serve a true copy of this summons, together with a true copy of the
 13 complaint mentioned therein, up on the defendant or other legal entities to who or
 14 which this summons is directed, and to make your proof of service upon a separate
 15 similar document.

16
 17 Respectfully submitted,
 18 Plaintiff, Timothy Meacham
 19 By his attorney,

20 /s/ William Ball

21 William Ball OSB 011558
 22 ATTORNEY WILLIAM BALL, LLC
 23 420 SW WASHINGTON, SUITE 400
 24 PORTLAND, OREGON 97204
 25

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

TIMOTHY MEACHAM,
Plaintiff,

Vs.

SPIRIT AIRLINES INC., and; KERRIE
CONRAD,
Defendants.

Case No.: 15CV01985

COMPLAINT

(NEGLIGENCE, BATTERY)

PRAYER: \$973,415

ORS 21.160(1)(c)

NOT SUBJECT TO MANDATORY
ARBITRATION

JURY TRIAL REQUESTED

Plaintiff, Timothy Meacham, by and through his attorney, William Ball, alleges as follows:

General Allegations Common to All Counts and Claims for Relief

1.

Timothy Meacham, "Plaintiff" or "Meacham" herein, is an individual who resides in Grants Pass Oregon.

2.

Spirit Airlines, ("Spirit") herein, is a Florida corporation doing business as a commercial passenger airline at Portland International Airport in Oregon.

3.

Defendant, Kerrie Conrad ("Conrad"), at all material times was working at Portland International Airport in the scope of her duties as an agent for Spirit Airlines.

4.

The events giving rise to this action occurred on or about January 30, 2013, in Multnomah County at the Portland International Airport.

5.

On or about January 30, 2013, Meacham followed through with plans to take a short term vacation to Las Vegas with three others, Allison McDonouth ("Allison"), Sarah Torneby ("Sarah"), and Megan Torneby ("Megan") for Megan's 25th birthday.

6.

Meacham purchased his airline ticket on Spirit from Portland to Las Vegas off of the website Expedia.com.

7.

Previously, in March 2010, Meacham had been seriously injured in an automobile accident when another car t-boned the car he was driving. Meacham suffered from a fracture of his L4-L5 vertebrae. Almost three years later, in January 2013, Meacham was feeling significant improvements with his back and was beginning to experience greater freedom with his ability to move about. He was excited about traveling on an airplane to Las Vegas because he was feeling better and had not had as many opportunities to travel. However, on the day in question, he was using a cane to walk, stand and to support much of his body weight in compensation for his broken back.

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Complaint

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1 8.

2 Meacham met Allison, Sarah, and Megan at the Portland airport. They all
3 proceeded to Spirit Airlines Gate D-2, and eventually boarded the airplane and took
4 their seats.

5 9.

6 At all material times hereto, Gate D-2 was managed and controlled by Spirit.

7 10.

8 Soon after boarding the Spirit plane and being seated, a Spirit supervisor,
9 Conrad, came aboard the plane and ordered Allison, Sarah, Megan and Meacham to exit
10 the plane. Conrad escorted the 4 individuals off of the plane.
11

12 11.

13 Meacham and his friends exited the Spirit Airline plane at Gate D-2.

14 12.

15 As Meacham was walking with his cane up the ramp on the jet way, Conrad
16 pushed Meacham down. Without warning she shoved Meacham in the back. Conrad's
17 push caused Meacham to fall forward, lose his balance and fall. He fell into the wall of
18 the jet way and then fell to the ground. When Conrad pushed Meacham down and
19 caused him to fall, he was also helpless to naturally prevent his fall due to his disability.
20 As a result, Meacham fell to the ground unnaturally causing him to injure, aggravate
21 and otherwise exacerbate the injury to his back. He immediately began to suffer
22 excruciating pain in his back to the extent he could be moved.
23
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Complaint

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13.

1 Meacham lay on the ground in a supine position until paramedics arrived. He had
2 difficulty talking with the attending paramedics for several minutes due to the
3 overwhelming pain.
4

14.

5 In the AMR ambulance on the way to Providence hospital, Meacham rated his
6 pain at the highest levels. Paramedics repeatedly administered strong pain medication
7 to Meacham in order to alleviate the pain.
8
9

15.

10 Meacham was treated at Providence Hospital. He was released with prescriptions
11 for pain medication for his neck, shoulders and back.
12

16.

13 On February 03, 2013, Meacham was still bed bound. While lying in bed in his
14 home still in pain from the fall he was feeling drowsy and confused from the pain
15 medication. The curtain over the window next to his bed caught on fire from a nearby
16 candle. Feeling sleepy, drowsy, confused and having impaired judgment resulting from
17 the pain medication, Meacham attempted to put out the blazing curtains with his bare
18 hands. He sustained severe burns to his right hand and first and second degree burns
19 to his left hand. His right hand index finger was the worst, as it was completely
20 blanched white with waxy texture. He had almost no sensation of the index finger and
21 only slight sensation of his thumb and middle fingers.
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Complaint

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17.

Meacham suffered exceptional pain from the burns. He was immediately taken to the Legacy Hospital Emergency Room for treatment for the burns.

18.

Meacham suffered severe pain to his hands for the next few months in recovering from the burns. He has permanent scarring on his right hand from the curtain fire in his bedroom. He was also bed bound while recovering from his burns due to his back injury.

19.

Meacham's back pain has continued from when he was pushed to date. It will continue indefinitely. Every day since Conrad pushed him, Meacham's life has been diminished. Meacham suffers constant back pain from the fall. He has had trouble using his left hand since he was pushed down. He has trouble sleeping, moving about, and engaging in everyday daily living activities. He uses a special bed. He requires the assistance of others to prepare his meals, clean, prepare his laundry and organize his things. He still requires the use of a cane most of the time.

FIRST CLAIM FOR RELIEF –Negligence

Count I –Premises and Invitee Liability as to Defendant Spirit

20.

Plaintiff reasserts and re-alleges each and every allegation contained in the preceding paragraphs of this complaint, and incorporates them herein by reference as though set forth herein at length.

Complaint

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21.

Meacham, a customer of Spirit, was a business invitee of Spirit. The invitation to Meacham to purchase a ticket to fly on Spirit from Portland to Las Vegas was expressly and/or impliedly given to Meacham by an agent of Spirit. Meacham's presence on Spirit's property was in the economic interest of the defendant Spirit.

22.

At all material times hereto, Spirit owed Meacham a duty to exercise reasonable care in protecting Meacham from unreasonable risks of harm while on the defendant's premises, including the acts of defendant's employees, and agents. Spirit failed to make its premises reasonably safe for Meacham. Spirit breached its duty to Meacham to act as a reasonable careful person would act under similar circumstances when Conrad pushed him and forced him to fall to the ground while he was disabled and using a cane.

23.

Spirit knew or should have known at the time of Meacham's injuries that pushing him down, putting hands on him and pushing him could cause injury to Meacham. Spirit's agents did not use reasonable care because Meacham was safe when he began walking up the jet way at gate D-6 and defendant's agent elevated the risk of harm to Meacham by pushing him, putting her hands on him, and causing him to fall while disabled and using a cane.

24.

Spirit breached its duty to Meacham when its agent became emotionally out of

1 control thereby creating an unreasonable risk of harm to Meacham under the
 2 circumstances. Defendant also breached its duty to exercise reasonable care by
 3 eliminating the condition creating the risk of harm, i.e., remaining calm, not becoming
 4 physical with Meacham, and allowing him to walk up the jet way on his own accord
 5 and without physical force.

6 25.

7 Spirit breached its duty to Meacham to warn him of the risk of harm, i.e., that
 8 its employee could become emotionally out of control and was going to get physical
 9 with him while he was relying on the use of a walking aid.

10 26.

11 Spirit failed to use reasonable care in protecting Meacham from injury by failing
 12 to reasonably and adequately train and supervise its employees, agents and security
 13 personnel regarding safe procedures for controlling conflict without physical escalation,
 14 and assisting disabled people using canes.

15 27.

16 Meacham had a bodily condition that predisposed him to be more subject to
 17 injury than a person in normal health. Spirit is liable for any and all injuries and
 18 damages that have been suffered by Meacham as the result of its own negligence, even
 19 though those injuries, due to the prior condition, may have been greater than those
 20 that would have been suffered by another person under the same circumstances.

28.

The injuries which Meacham sustained as the result of the negligence of Spirit aggravated a preexisting injury and/or disability of his.

29.

Spirit's employees, or agents, in committing the aforesaid actions, caused Meacham to sustain serious bodily injuries as set forth above. Meacham's injuries were due the Defendants' negligence.

30.

The incident in question and Meacham's resulting injuries were directly and proximately caused by the negligence of the Defendants.

31.

Spirit's negligence caused Meacham's injuries and will into the indefinite future continue to cause him pain and suffering, discomfort, humiliation, disruption of life, emotional distress, emotional injury, worry, and interference with his normal daily living activities, all to his non-economic damages in the amount of \$900,000.

32.

As a direct result of Spirit's negligence, Meacham incurred direct economic damages of not less than \$73,914 in medical, treatment and care expenses. Meacham will continue to incur medical and related treatment expenses up to and through the time of trial.

33.

Complaint

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1 Meacham will continue to incur medical costs for treatment, surgery, chiropractic
 2 care, and massage therapy. He will also require the help of an in-home care provider to
 3 help him with his daily living activities. As a direct result of defendants' negligence,
 4 Meacham will incur future medical costs in the amount to be determined at trial for the
 5 remainder of his life.

6 **Count II –Common Carrier Liability as to Defendant Spirit**

7 34.

8 Plaintiff incorporates the preceding paragraphs of this Complaint and makes
 9 them a part of this Cause of Action as if set forth in exact words and figures herein.
 10

11 35.

12 At all material times hereto, Spirit had the duties of a common carrier. As a
 13 common carrier Spirit owed Meacham the highest degree of care and skill practicable
 14 for it to exercise under the circumstances. As a common carrier, Spirit had a heightened
 15 duty to ensure Meacham's safety, who was disabled, using a cane, and recognizably
 16 and exceptionally vulnerable to injury.
 17

18 36.

19 Spirit breached its duty to Meacham when Conrad pushed him down, put her
 20 hands on Meacham, pushed him, and/or otherwise caused him to lose his balance while
 21 he was disabled and using a cane, fall into the nearby wall and fall to the floor in
 22 excruciating pain from injuring his broken back.
 23
 24 /
 25 /

37.

At the time and place of the injury, Spirit was in breach of their duties in one or more of the following particulars:

(a) Pushing the plaintiff down;

(b) Pushing Plaintiff in the back;

(c) Conrad putting her hands on Meacham, applying enough pressure to cause him to fall;

(d) In Spirit failing to provide a safe environment for deplaning, and;

(e) In Spirit failing to instruct its employees in a safe and proper method for removing disabled passengers from the plane and into the boarding area.

38.

Meacham had a bodily condition that predisposed him to be more subject to injury than a person in normal health. Spirit is liable for any and all injuries and damage that have been suffered by Meacham as the result of its own negligence, even though those injuries, due to the prior condition, may have been greater than those that would have been suffered by another person under the same circumstances.

39.

The injuries which Meacham sustained as the result of the negligence of Spirit aggravated a preexisting injury and/or disability of his.

40.

1 Spirit's employees, or agents, in committing the aforesaid actions, caused
 2 Meacham to sustain serious bodily injuries as set forth above. Meacham's injuries were
 3 due the Defendants' negligence.

4 41.

5 The incident in question and Meacham's resulting injuries were directly and
 6 proximately caused by the negligence of the Defendants.

7 42.

8 Spirit's negligence caused Meacham's injuries and will into the indefinite future
 9 continue to cause him pain and suffering, discomfort, humiliation, disruption of life,
 10 emotional distress, emotional injury, worry, and interference with his normal daily living
 11 activities, all to his non-economic damages in the amount of \$900,000.

12 43.

13 As a direct result of Spirit's negligence, Meacham incurred direct economic
 14 damages of not less than \$73,914 in medical and care expenses. Meacham will
 15 continue to incur medical and related care expenses up to and through the time of trial.

16 44.

17 Meacham will continue to incur medical costs for treatment, chiropractic care,
 18 and massage therapy. He will also continue to require the help of an in-home care
 19 provider to help him with his daily living activities. As a direct result of defendants'
 20 negligence, Meacham will incur future medical costs in the amount to be determined at
 21 trial for the remainder of his life.

22 /

Count III –Negligence as to Spirit and Conrad

45.

Plaintiff reasserts and re-alleges each and every allegation contained in the preceding paragraphs of this complaint, and incorporates them herein by reference as though set forth at length.

46.

Spirit, its employees and agents, owed Meacham a duty of reasonable care.

47.

Conrad owed Meacham a duty of reasonable care.

48.

Spirit and Conrad breached their duty to Meacham to act as a reasonable careful person would act under similar circumstances when Conrad pushed him down, put her hands on Meacham, pushed him, and/or otherwise caused him to lose his balance, fall into the nearby wall and fall to the floor in excruciating pain from injuring his broken back.

49.

In addition, Spirit failed to use reasonable care in protecting Meacham from injury by failing to reasonably and adequately train its employees, agents, and security personnel in assisting vulnerable, disabled passengers using canes.

50.

Spirit and Conrad failed to exercise their duty of reasonable care to Meacham when Conrad caused physical injury to Meacham as described above, and particularly in regards to the unwarranted and extreme use of physical force.

51.

Meacham had a bodily condition that predisposed him to be more subject to injury than a person in normal health. The defendants are liable for any and all injuries and damage that have been suffered by Meacham as the result of their own negligence, even though those injuries, due to the prior condition, may have been greater than those that would have been suffered by another person under the same circumstances.

52.

The injuries which Meacham sustained as the result of the negligence of the defendants aggravated a preexisting injury and/or disability of his.

53.

It was reasonably foreseeable that by Conrad putting her hands on Meacham that it would cause him harm. Under the circumstances, Conrad knowing that Meacham was walking with the aid of a walking cane, it was unreasonable for her to push him down or otherwise put her hands on Meacham without first warning or asking him, pushing him to such a degree so as to cause him to fall or lose his balance.

54.

It was reasonably foreseeable that Spirit's employee's negligent conduct in causing Meacham to fall and injure his back that Meacham would experience

1 exceptional pain and suffering, have to take pain medications, and as a result suffer
2 additional injury.

3 55.

4 At the time and place of the injury, Spirit and Conrad were in breach of their
5 duties in one or more of the following particulars:

6 (f) Pushing the plaintiff down;

7 (g) Pushing Plaintiff in the back;

8 (h) Conrad putting her hands on Meacham, applying enough pressure to cause
9 him to fall;

10 (i) In Spirit failing to provide a safe environment for deplaning, and;

11 (j) In Spirit failing to instruct its employees in a safe and proper method for
12 removing disabled passengers from the plane and into the boarding area.
13

14 56.

15 As a result of defendants' negligence, Meacham sustained the following serious
16 and permanent injuries:

17 a. Further injuring Meacham's broken back;

18 b. Reinjuring Meacham's broken back;

19 c. Serious, debilitating back pain;

20 d. Serious, debilitating leg pain;

21 e. Serious, debilitating neck pain

22 f. Burning his hand;

23 g. Permanent scarring to his right hand.
24 /
25 /

57.

The incident in question and Meacham's resulting injuries were directly and proximately caused by the negligence of the Defendants.

58.

Spirit's negligence caused Meacham's injuries and will into the indefinite future continue to cause him pain and suffering, discomfort, humiliation, disruption of life, emotional distress, emotional injury, worry, and interference with his normal daily living activities, all to his non-economic damages in the amount of \$900,000.

59.

As a direct result of Spirit's negligence, Meacham incurred direct economic damages of not less than \$73,914 in medical and care expenses. Meacham will continue to incur medical and related treatment expenses up to and through the time of trial.

60.

Meacham will continue to incur medical costs for treatment, chiropractic care, and massage therapy. He will also require the help of an in-home care provider to help him with his daily living activities. As a direct result of defendants' negligence, Meacham will incur future medical costs in the amount to be determined at trial for the remainder of his life.

61.

Defendants are joint and severally liable for the damages their negligence caused Meacham.

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SECOND CLAIM FOR RELIEF – Battery, Spirit and Conrad

62.

Plaintiff reasserts and re-alleges each and every allegation contained in the preceding paragraphs of this complaint, and incorporates them herein by reference as though set forth at length.

63.

The act pushing down Meacham and Conrad putting her hands on Meacham and pushing him were without his consent and against his will.

64.

Said acts were physically injurious, painful, degrading and offensive.

65.

Said acts constituted acts of battery committed against Meacham.

66.

Spirit and Conrad are jointly and severally liable for the damages resulting from the battery to Meacham.

67.

As a result of the above-described battery, Meacham suffered great fear and humiliation, a sense of helplessness, loss of control, and personal violation, and has suffered, continues to suffer, and may permanently suffer from back and neck pain, feelings of fear, humiliation, disgust, and feelings of vulnerability, all to his noneconomic damage in the amount of \$900,000.

/

68.

As a further result of defendants' conduct, Meacham is entitled to noneconomic damages in an amount to be proven at trial.

69.

As a result of defendants' conduct, Meacham suffered severe emotional distress, in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a) On all Causes of Action, judgment in his favor for past and future pain and suffering against defendants in the amount of \$900,000 in noneconomic damages.
- b) On all Causes of Action, judgment in his favor and against defendants in the amount of \$73,415 in economic damages.
- c) On all Causes of Action, judgment in his favor and against defendants in the amount to be determined at trial for future medical costs and treatment for the plaintiff.
- d) On all Causes of Action, costs, expenses, including attorney fees against defendants.
- e) On all Causes of Action, such other and further relief as the Court may deem just and proper.
- f) Plaintiff reserves the right to plead punitive damages at a later time.

1 g) Plaintiff reserves the right to plead additional claims of defenses as they become
2 discovered by Plaintiff.

3 Dated this January 29, 2014

4 /s/ William Ball
5 William Ball OSB 011558
6 Attorney for Plaintiff
7 Trial Attorney
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